



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: July 3, 2024

Department: Public Works

Title: Schedule Final Consideration and Adoption of an Ordinance Concurring in the City of Aumsville UGB Amendment

Management Update/Work Session Date: December 12, 2023 Audio/Visual aids [ ]

Time Required: 0 Contact: Austin Barnes Phone: 503-566-4174

Requested Action: Schedule Final Consideration and Adoption of an Ordinance Concurring in the City of Aumsville UGB Amendment, Legislative Amendment Case LA23-003/Aumsville for July 10, 2024.

Issue, Description & Background: On October 23, 2023, the City of Aumsville held a public hearing to consider a 22.57 acre amendment to its Urban Growth Boundary for a new city park. On November 2, 2023, the city submitted its adopting ordinance with a letter requesting the county concur in the expansion. On January 10, 2024, the Marion County Board of Commissioners approved a resolution initiating amendments to the county comprehensive plan to consider concurring in an amendment to the City of Aumsville Urban Growth Boundary and scheduled a public hearing for February 21, 2024. The hearing was continued until June 5, 2024 for further discussion. The Board, after considering the evidence in the record, concurred in the city's amendment, directing staff to return with an ordinance consistent with their decision. Now the Board may schedule adoption of the ordinance concurring in the City of Aumsville Urban Growth Boundary Amendment for July 10, 2024.

Financial Impacts: None

Impacts to Department & External Agencies: None

List of attachments: Ordinance

Presenter: Austin Barnes

Department Head Signature: [Handwritten Signature]

**BEFORE THE BOARD OF COMMISSIONERS  
FOR MARION COUNTY, OREGON**

In the matter of amending the Marion County	)	LA 23-003
Comprehensive plan by adopting a 22.57-acre	)	
amendment to the City of Aumsville Urban Growth	)	Legislative Amendment
Boundary for public land and rezoning land added to	)	
the urban growth boundary.	)	

AN ADMINISTRATIVE ORDINANCE

**ORDINANCE NO. \_\_\_\_\_**

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

**SECTION I.        Purpose**

This ordinance is enacted pursuant to the authority granted general law counties in the State of Oregon by Oregon Revised Statutes (ORS) Chapter 203, and the comprehensive land use planning and coordination with local government provisions under Chapters 195 and 197, by Amending the Marion County Comprehensive plan by adopting a 22.57-acre amendment to the City of Aumsville Urban Growth Boundary for public land and rezoning land added to the urban growth boundary.

**SECTION II.       Authorization**

The Marion County Board of Commissioners initiated a legislative amendment to the Marion County Comprehensive Plan by Resolution No. 24R-1 dated January 10, 2024. The legislative amendments came before the Board at the request of the City of Aumsville for concurrence in and adoption of an urban growth boundary amendment being considered by the city, pursuant to the planning coordination and concurrence provisions under ORS Chapters 195 and 197, and the provisions of the executed May 12, 1986 Urban Growth Boundary and Policy Agreement between Marion County and the City of Aumsville that establishes procedures for addressing land use matters of mutual concern, including amendments to the comprehensive plan and urban growth boundary. The Board held a public hearing on February 21, 2024, for which proper public notice and advertisement was given. The hearing was continued until June 5, 2024. The Board closed the hearing on June 5, 2024. All persons present during the public hearing and those provided notice of the hearing, were given the opportunity to speak or present written statements on the proposed amendments.

**SECTION III. Evidence and Findings**

The Board has reviewed the evidence and testimony in the record. Based on the facts and findings in the record, as contained in Exhibits A and B, which are incorporated herein by this reference, the Board determines that the updated City of Aumsville Urban Growth Boundary amendment conforms with the requirements under ORS Chapter 197 and the Statewide Land Use Planning Goals and Administrative Rules for the development and revision of comprehensive plans, with ORS Chapter 195 for county coordination with local comprehensive plan activities, and the Marion County Comprehensive Plan Urbanization Element on coordination with cities on growth management policies and guidelines.

The amendment adopts a 22.57-acre amendment to the City of Aumsville Urban Growth Boundary for public land to provide a 20-year supply of recreational lands. The redesignation of lands included in the boundary expansion from a Marion County comprehensive plan designation of “Special Agriculture” to City of Aumsville Comprehensive Plan designations of “Public”. The land will be rezoned from “Special Agriculture” to Marion County zoning plan designations of “Urban Transition-20 Acres”.

**SECTION IV. Amendments to Marion County Comprehensive Plan**

The Marion County Comprehensive Plan is amended to include the adoption of an updated City of Aumsville Urban Growth Boundary for application in the area within the urban growth boundary that lies outside the city limits. The Marion County Comprehensive Plan Map is amended to include a 22.57-acre urban growth boundary expansion and changes in the Plan designation of those properties added to the boundary and within the urban growth area as depicted on the maps set forth in Exhibit C. The Marion County Comprehensive Plan and its implementing ordinances (zoning maps) is further amended to include the rezoning of the properties included within the amended urban growth boundary as depicted on the map set forth in Exhibit C to Urban Transition 20-Acre Minimum.

**SECTION V. Repeal Of Portions Of Existing Ordinances**

Those portions of Marion County Ordinance No. 535 adopting a City of Aumsville Urban Growth Boundary and a Comprehensive Plan for the area outside the city but within the growth boundary or amendments pertaining to the City of Aumsville, are hereby repealed or amended as set forth in this ordinance through the adoption of the City of Aumsville Comprehensive Plan updates and amendments, which by reference are incorporated into this Ordinance.

**SECTION VI. Severability**

Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or any policy, provision, findings, statement, conclusion, or designation to a particular land use or area of land, or any other portion, segment or element of this Ordinance or of any amendments thereto and adopted hereunder, be declared invalid for any reason, such declaration shall not affect the validity and continued application of any other portion or element of this Ordinance or amendments to the Comprehensive Plan, as amended herein; and if this Ordinance or any portion thereof should be held to

be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which this Ordinance or any portion thereof was enacted.

**SECTION VII. Effective Date**

Pursuant to Chapter 1.10 of the Marion County Code, this is a legislative Administrative Ordinance and shall take effect upon adoption.

SIGNED and FINALIZED this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes (ORS) Chapter 197.830 provides that land use decisions may be reviewed by the Land Use Board of Appeals (LUBA) by filing a notice of intent to appeal within 21 days from the date this ordinance becomes final.

## Facts and Findings

This matter comes before the Marion County Board of Commissioners at the request of the City of Aumsville for concurrence in and adoption of an amendment to the Aumsville Urban Growth Boundary. The city has held public hearings on the amendments and has adopted an ordinance amending the city's urban growth boundary. Because the city's comprehensive plan is a component of the county's comprehensive plan, and Oregon Revised Statutes 197.025(1) gives the county responsibility to coordinate all planning activities with the county, the county must consider whether to concur in the city's amendment. In addition, Goal 14—Urbanization, states:

*Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements [...].*

The Marion County Board of Commissioners adopted the Aumsville Urban Growth Boundary and Comprehensive Plan for the area outside the city but within the county on May 2, 1979 (Ordinance No. 535). Marion County and the City of Aumsville entered into an Urban Growth Boundary and Policy Agreement (UGBPA) on May 12, 1986. The UGBPA establishes procedures for coordinating land use matters of mutual concern. The UGBPA provides for the county to concur in the city's comprehensive plan and to adopt those provisions for application within the urban growth area (the area within the urban growth boundary outside the city limits). Such provisions include urbanization policy changes, plan map amendments affecting properties in the urban growth area, and urban growth boundary changes.

During the city's public hearings process on the current amendments to its plan, county planning staff communicated with the city's planning consultant. County staff had no concerns that needed to be addressed by the city's planning consultant.

On December 10, 2023, the Board of Commissioners approved Resolution 24R-1 initiating the review process to amend the Marion County Comprehensive Plan by adopting an amendment to the City of Aumsville Urban Growth Boundary and setting a public hearing date of February 21, 2024 to receive testimony on the proposed amendments.

### **CITY OF AUMSVILLE URBAN GROWTH BOUNDARY AMENDMENT**

The City of Aumsville is proposing to expand its urban growth boundary (UGB) by 22.57 acres to create a new city park on the eastern side of the city. An analysis was conducted by the city's consultant that found the park was needed for the city as identified in the city's adopted 2023 update to the Aumsville Parks Masterplan (PMP).

The city identified a variety of types of parks the city needs and a variety of means to provide more park land within the city. The analysis found that a 20-acre park on the east side of the city was first identified in the 1996 Aumsville PMP and subsequent 2017 and 2023 update. This was

in part due to the fact that the east side of Aumsville has only one park of 3.02 acres in size. This analysis was supported by extensive public outreach the city did when updating its PMP.

One of the means the city identified to achieve more park land was to acquire land outside the urban growth boundary and annex the land into the city. The city went through the process in state statute and Goal 14. Additionally the city worked with property owners bordering on the existing city limits, to identify additional potential land that could be brought into the city to meet its park land need. All of the land within the city's study area, and all of the land adjacent to the existing City limits, consist of high value soils. The statute gives them the same priority for being considered to be added to the city's urban growth boundary. Goal 14 requires cities to establish a maintain Urban Growth Boundaries to separate urban land from rural lands. UGB's must have a 20-year land supply to meet identified employment, housing and public facility needs. The UGB rule includes detailed requirements for UGB amendments and allows cities to expand UGB's where necessary to accommodate public facilities – such as parks – that require site specific characteristics. In this case, the Eastside Community requires a site with at least 20 acres located on the east side of Aumsville with Class II, II and IV soils.

The city applied the Goal 14 locational factors to the land proposed to be added to the urban growth boundary. The city determined that the land would efficiently accommodate the needed park land. In addition the proposed expansion would allow for the orderly and economic provision of public facilities and services. Comparatively, the site would possibly have a more favorable impact on any environmental, energy, economic and social consequences than other properties, with positive social consequences anticipated when the land is a community park for the city. Lastly, the city determined that the low-intensity use of the property as a park would not conflict with adjacent farm operations.

The city's findings support: the boundary expansion, the priority of land to be included within the urban growth boundary, and address the Goal 14 factors and the statutory provisions for an amendment of an urban growth boundary to include sufficient park lands within the boundary.

The Urban Growth policies contained in the Urbanization section of the Marion County Comprehensive Plan must also be reviewed against the proposal. The city has addressed each policy in their analysis and staff has found their findings to be adequate for the proposal.

### **REDESIGNATION OF PROPERTIES ADDED TO THE URBAN GROWTH BOUNDARY**

The city determined that the appropriate designation for the properties in its comprehensive plan is the Public (P) zone. The city proposes to apply a P zone once the land is annexed into the city limits. After they have been included in the UGB and their designation in the Aumsville Comprehensive Plan changed to P, but until the land is annexed, the county must apply an urban zone to the properties consistent with the city plan designation.

Chapter 16.13 of the Marion County Code, the Urban Transition zone states:

“The UT (urban transition) zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage and streets. The zone allows the continuation of legally

established uses and establishment of uses compatible with the plan designation. In areas planned for development relying on urban services, transitional uses may be allowed which will not interfere with the efficient, later use of the land for planned urban uses.”

Since the properties are currently undeveloped and are not served by City of Aumsville utilities, applying the UT-20 zone to the properties is consistent with the purpose of the zone and does not allow the parcel to be divided and built upon before the park can be annexed and established.

The city has addressed all applicable state planning goals, statutes and rules in addition to their comprehensive plan policies and Marion County’s comprehensive plan’s urbanization policies. Staff has found their proposal to be compliant with these standards. The city has proposed to zone the land Public (P) and annex the 22.57 acres of land being added to the UGB concurrent with the UGB expansion.

### **RECOMMENDATION**

Staff recommends that the Board concur in the City of Aumsville’s Comprehensive Plan amendment to its Urban Growth Boundary by approving amendments to the Marion County Comprehensive Plan for the City of Aumsville Urban Growth Boundary by adding 22.57 acres for a public park and re-zoning the land added to the urban growth boundary UT-20 (Urban Transition, 20-acre density standard).

## AUMSVILLE CITY COUNCIL

# AUMSVILLE URBAN GROWTH BOUNDARY AND AUMSVILLE COMPREHENSIVE PLAN MAP AMENDMENT DECISION

**STAFF REPORT DATE:** October 16, 2023

**HEARING DATE:** October 23, 2023

**FILE:** 2023-09 CPMA

Aumsville Comprehensive Plan (ACP) map amendments to:

1. Expand the Aumsville Urban Growth Boundary (UGB) to facilitate development of the planned Eastside Community Park; and
2. Change the plan designation for the UGB expansion area from Marion County Special Agriculture (SA) to City Public (P).

**APPLICANT:** City of Aumsville

**CONSULTANT:** Jesse Winterowd, Winterbrook Planning  
Community Development Consultant for the City of Aumsville  
610 SW Alder St. Suite 810  
Portland, Oregon 97205  
Email: [jesse@winterbrookplanning.com](mailto:jesse@winterbrookplanning.com)

**SITE:** The 22.57-acre Eastside Community Park site (Tax Lot 081W30D000600) is currently designated for Special Agricultural use in Marion County. The site is served by Bishop Road and is located east of and adjacent to the City Limits and UGB. The site is bordered by Highway 22 to the north; however, park access is not permitted from this limited access highway.

**EXHIBITS:**

- A. Adopted Aumsville Parks Master Plan (June 2023 Update)
- B. Aumsville Park Master Plan: Appendix A (June 2023 Update)
- C. Adopted ACP Chapter VI: Parks and Recreation Element (2023)



- D. Aumsville UGB Expansion- Public Facilities Analysis
- E. Aumsville-Marion County Urban Growth Management Agreement
- F. Public Hearing Notice- September 15, 2023 [on file at City Hall]
- G. Ordinance 721

**DECISION:** Adoption of ORDINANCE 721 – AN ORDINANCE AMENDING THE CITY OF AUMSVILLE URBAN GROWTH BOUNDARY TO INCLUDE LAND NEEDED TO ACCOMMODATE THE EASTSIDE COMMUNITY PARK; AND AMENDING THE CITY OF AUMSVILLE COMPREHENSIVE PLAN MAP

**CRITERIA:** **Statewide Planning Goals and Rules:** Applicable Statewide Planning Goals including Goal 1 Citizen Involvement, Goal 2 Land Use Planning, Goal 8 Parks and Recreation, Goal 9 Economic Development, Goal 10 Housing, Goal 11 Public Facilities and Services, Goal 12 Transportation, Goal 13 Energy Conservation, and Goal 14 Urban Growth Boundaries.<sup>1</sup>

- **Aumsville Development Ordinance (ADO) Section 15.05 Amendment Criteria** *REVIEW PROCEDURE: As required by ADO Section 12 Administrative Procedures, ACP map amendments are reviewed through a Type III quasi-judicial review procedure and may be initiated by city staff, the Planning Commission, or the City Council. Public notices and public hearings are required before the City Council can adopt ordinances authorizing ACP map amendments. Coordination with Marion County is required per the Urban Growth Boundary and Management Agreement (UGMA). Per the UGMA, Marion County must review and co-adopt the UGB and ACP map amendment.*
- The proposed ACP plan map amendment package was initiated by the City Council.
- Notice of the proposed ACP amendment package was filed with the Department of Land Conservation and Development (DLCD) on August 31, 2023 – 35 days before the initial evidentiary hearing.

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<sup>1</sup> Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands) are not applicable because potential conflicts with these goals are resolved through the UGB amendment process. Goals 5 (Natural Resources), 6 (Air, Land, and Water Resources Quality), and 7 (Natural Hazards) are not applicable because there are no significant Goal 5 resources or inventoried natural hazards on the site proposed for annexation, and development of the Eastside Community Park site will be subject to all applicable Department of Environmental Quality (DEQ) rules and regulations. Goals 9 (Economic Development) and 10 (Housing) are not applicable because park development on the 22.57-acre area proposed for inclusion within the UGB will not adversely impact the supply of land needed for employment or housing within the Aumsville UGB.

- Notice of Planning Commission and City Council hearings on the proposed amendment package were published in the October Aumville Newsletter.



# Proposed Aumsville Comprehensive Plan Amendment

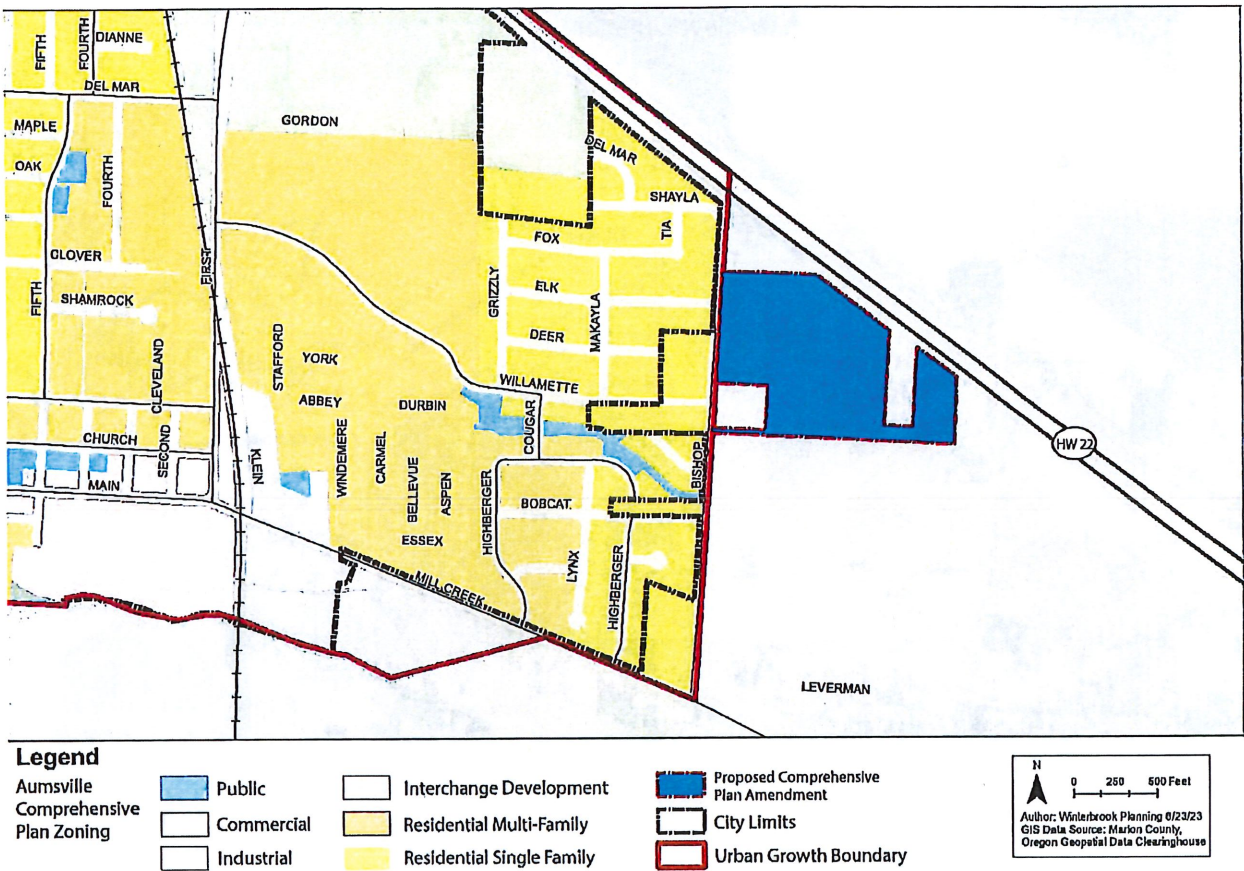


Figure 4: Proposed Aumsville Comprehensive Plan Amendment from County Special Agriculture (SA) to City Public (P)